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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,324	08/31/2006	Masaru Tazaki	1254-0322PUS1	9423
2292 7590 02/04/2010 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER VANCHY JR, MICHAEL J				
ART UNIT 2624		PAPER NUMBER		
NOTIFICATION DATE 02/04/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/591,324

**Applicant(s)**

TAZAKI, MASARU

**Examiner**

MICHAEL VANCHY JR

**Art Unit**

2624

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GS-08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 08/31/2006, 03/13/2008

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 9 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Even though the program "causes" a computer to function, the main subject of the claim is the program itself. Thus, unless the program is stored or encoded upon the computer the claim is non-statutory.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hecht et al., 6,015,089.**

**Regarding claim 1**, Hecht teaches a 2-dimensional code region extraction method for extracting a region in which a 2-dimensional code exists, the method comprising the steps of: scanning image data containing a 2-dimensional code vertically and horizontally (Abstract); determining the white/black gradation of scanned pixels, and detecting at least two blank space portions each consisting of a sequence of white pixels exceeding a predetermined number of pixels (col. 4, lines 22-54); calculating the length and central coordinates of a non-blank space portion that exists between the detected blank space portions (col. 4, lines 55-65); and comparing the lengths of the non-blank space portions that exist in the vertical and horizontal directions and their central coordinates respectively so as to determine the presence of a 2-dimensional code, and detecting a 2-dimensional code candidate region (col. 5, lines 59-67 and col. 6, lines 29-64). The Examiner takes into account that the central coordinates can be determined by the four corner coordinates determined in Hecht, even though it is not explicitly stated.

**Regarding claim 2**, Hecht teaches wherein the step of detecting a 2-dimensional code candidate region comprises detecting a plurality of 2-dimensional code candidate regions, comparing them, and then ranking them (col. 4, lines 46-53 and col. 5, lines 11-23).

**Regarding claim 3**, Hecht teaches wherein the blank space portion detecting step comprises detecting a blank space portion that exists around the 2-dimensional code (col. 5, lines 59-67).

**Regarding claim 4**, Hecht teaches wherein the scanning step comprises scanning the image data at regular intervals (Fig. 16A).

**Regarding claim 5**, Hecht teaches wherein the regular interval is not greater than one half of the length of one of the sides of which a 2-dimensional code of a minimum possible size on the image data is composed (Fig. 16A).

**Regarding claim 6**, see the rejection made to claim 1 for it addresses all the limitations within this claim.

**Regarding claim 7**, see the rejection made to claim 2 for it addresses all the limitations within this claim.

**Regarding claim 8**, Hecht teaches an electronic device capable of reading a 2-dimensional bar code symbol, comprising the 2-dimensional code region extraction device according to claim 6 or 7 (Abstract).

**Regarding claim 9**, see the rejection made to claim 1 for it addresses all the limitations within this claim.

**Regarding claim 10**, see the rejection made to claim 1 for it addresses all the limitations within this claim.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VANCHY JR whose telephone number is (571)270-1193. The examiner can normally be reached on Monday - Friday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bhavesh M Mehta/  
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